

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Stephen E. Reiter on 06/16/09.

The application has been amended as follows:

Claim 1, line 3, the phrase "comprising" has been amended to "consisting essentially of".

Claim 1, line 4, after the phrase "primary acrylate monomer", the phrase "wherein said primary acrylate monomer is either 2-ethylhexyl acrylate or butyl acrylate," has been inserted.

Claim 4, line 1, the word "acrylate" has been amended to "monomer containing non-acidic hydroxyl moieties".

The dependencies of claims 4 and 5 have been amended to depend in claim 1.

Claim 5, line 1, the word "methacrylate" has been amended to "monomer containing non-acidic hydroxyl moieties".

Claim 10, line 1, the word "comprising" has been amended to "having".

Claims 23-25, line 1, after the phrase "wherein the", the word "acrylic" has been inserted.

Claim 28, line 1, after the phrase "at an", the word "acrylic" has been inserted.

Claim 28, line 2, after the phrase “gransetron, the”, the word “acrylic” has been inserted.

Claim 29, line 1, after the phrase “wherein the”, the word “acrylic” has been inserted.

Claim 30, lines 1-2, the phrase “a condition” has been amended to “any form of nausea or emesis”.

Claims 2, 3, 8, 22 and 32 have been cancelled.

The following is an examiner’s statement of reasons for allowance:

The closest prior arts, Effing et al. and Seo et al., teach a transdermal patch comprises the claimed active agent, gransetron. Effing et al. or Seo et al., however, do not teach the claimed transdermal patch that consisting of an acrylic adhesive layer that consisting of gransetron, and two monomers, the non-acidic hydroxyl moieties monomer, and the 2-ethylhexyl acrylate or butyl acrylate. The use of the transitional phrase “consisting of” to preclude all other monomers and/or polymers in the acrylic adhesive layer taught in the cited prior arts. The present specification shows that the acrylic adhesive layer exhibits an unchanged gransetron content, as well as no crystallization of the gransetron when stored at 25°C for six weeks.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to S. Tran whose telephone number is (571) 272-0606. The examiner can normally be reached on M-F 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Woodward can be reached on (571) 272-8373. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. Tran/
Primary Examiner, Art Unit 1615